

To the FCC Commissioners:

RE: Access BPL (docket 04-37)

As an amateur radio operator that lives in a community with an ongoing BPL trial I make the following comments.

I agree with the Commission's stated goal of bringing Broadband Internet Access to as many Americans as possible. However, I believe there has been substantial evidence presented which indicates that Access BPL could make the high frequency (HF) and low-VHF bands essentially unusable for other services. I have documented this very concern in Penn Yan, New York as I have been completing interference testing during the pilot BPL project. At present the BPL provider is pressuring the Village for a long term agreement knowing that the system has interference problems that would be even more wide spread with a full deployment.

If Access BPL is ever going to be fully deployed, there must be better protections provided for the numerous users of the HF and low-VHF spectrum between 2 and 80 MHz. Part 15 of the FCC's Rules has been modified to provide protection to users from harmful interference caused by Access BPL. But, do these modifications really protect users. As seen in the Penn Yan trial, Part 15 as modified will not suffice to protect the users of the HF and Low VHF spectrum.

The following are items of concern that need to be addressed:

The FCC's Part 15 definition of harmful interference is:

"Any emission, radiation or induction that endangers the functioning of a radio navigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with this chapter." Interference testing assessments of the Penn Yan, NY and Whitehall, PA BPL sites has documented that Access BPL is causing interference to the Amateur Radio Service.

A standardized measurement and testing procedure must be developed and put into service before Access BPL is deployed on each site. Each Access BPL site may have different variables that need review. Compliance with the rules should be verified by an independent agent. These systems should also be required to complete re-verification after a change is system or deployment. When rules are finalized all current BPL deployments need to provide independent testing documentation or be deemed out of compliance and shut down.

Interference Mitigation will be a demanding part of some access BPL deployments. These complaints will need to be addressed very timely. One of my concerns here is that the BPL systems may have physical problems with equipment and or the electrical system. In most cases the BPL provider will be dependant on the Electrical Company for repair of the BPL system. The priority of the electric company will be electric service NOT BPL. Will a system be shut down promptly if problems are found and the Electric Company has priority problems?

All BPL providers must be required to explain to their customers that the BPL system may be shut down due to complaints of interference to licensed users, and Internet service may be disrupted. BPL providers must also be required to explain to their customers that BPL system integrity may be interrupted by inbound interference from licensed users of the RF spectrum. Without such protections, licensed users will suffer the anger of BPL users when they lose their access to the Internet. The testing in Penn Yan had shown that the system in its present configuration is very susceptible to problems.

Thank you for the opportunity to comment on the Access BPL issue. This technology may have applications if all interference issues can be resolved. I expect Access BPL technology would improve in time with proper oversight. I would not want to see any deployments compromise the radio spectrum or licensed users. I hope my comments can help to build improvements to Part 15 and protect all radio users.

Submitted 4/28/2004
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